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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,126	12/20/2001	Eric Henry Baller	31862.000065	2357
23387	7590	03/10/2005	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			VAUGHN JR, WILLIAM C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,126

Applicant(s)

BALLER ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in regards to the Amendment and Reply received on 10 November 2004.

Declaration Under 37 C.F.R 1.131

2. The Declaration filed on 10 November 2004 under 37 CFR 1.131 is sufficient to overcome the Haines et al. (Haines), U.S. Application Publication No. 2003/0072027 reference.

Response to Arguments

3. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., ... *creating messages using the unique machine and password combination*) to the claims which significantly affected the scope thereof.
4. The application has been examined. Claims 1-31 are pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa, U.S. Patent No. 6,430,711 in view of Mache et al. (Mache), U.S. PG Publication No. 2002/0003553.
7. Regarding **independent claims 1, 10, 17, 20-22**, (e.g., exemplary independent claim 1).

Sekizawa the invention substantially as claimed. Sekizawa discloses *an apparatus for*

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connecting a remote machine to a central system by way of a public network comprising: a message generator for creating an message document suitable for transmission over the network (Sekizawa teaches an agent unit supports the transmitting and receiving of electronic mail through the Internet), [see Sekizawa, Col. 19, lines 15-35], *the message comprising information identifying the machine* [see Sekizawa, Col. 20, lines 46-57, Col. 26, lines 61-67]; *a receiver for receiving and storing a response from a central system* [see Sekizawa, Col. 26, lines 61-67], *the message generator subsequently creating messages using the unique identifier* [see Sekizawa, Col. 21, lines 40-67]. However, Sekizawa does not explicitly disclose an application layer message document including a unique machine name and password combination in a hypertext format.

8. In the same field of endeavor, Mache discloses (e.g., system and method for exchanging transactions). Mache discloses an application layer message document including a unique machine name and password combination in a hypertext format [see Mache, section 0280].

9. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Mache's teachings of system and method for exchanging transactions with the teachings of Sekizawa, for the purpose of providing for a more efficient and automated way of performing transactions without human intervention [see Mache, section 0019-0020]. By this rationale **claim 1** is rejected.

10. Regarding **claim 2**, Sekizawa-Mache discloses *in which the network is a TCP/IP network* [see Mache, Figure 1]. The motivation that was used to combine claim 1 applies equally as well to claim 2. By this rationale **claim 2** is rejected.

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11. Regarding **claim 3**, Sekizawa-Mache discloses *in which the network is a wireless network* [see Mache, section 0296]. By this rationale **claim 3** is rejected.
12. Regarding **claim 4**, Sekizawa-Mache discloses *in which the connection is established through a gateway device that provides protocol or address translation* (The Examiner takes Official Notice (see MPEP 2144.03)). By this rationale **claim 4** is rejected.
13. Regarding **claim 5**, Sekizawa-Mache discloses *comprising memory in the central system for storing the unique machine name and password and information identifying the type of machine* [see Mache, section 0216]. By this rationale **claim 5** is rejected.
14. Regarding **claim 6**, Sekizawa-Mache discloses *in which the message is a registration message* [see rejection of claim 1, supra]. By this rationale **claim 6** is rejected.
15. Regarding **claim 7**, Sekizawa-Mache discloses *wherein the registration message includes: identifying information; information on the type of asset; network address and accessibility* [see Sekizawa, Col. 26, lines 60-67]. By this rationale **claim 7** is rejected.
16. Regarding **claim 8**, Sekizawa-Mache discloses *comprising memory for storing a token indicating that the machine is registered, and inhibiting subsequent sending of registration messages* [see rejection of claims 1 and 7, supra]. By this rationale **claim 8** is rejected.
17. Regarding **claim 9**, Sekizawa-Mache discloses *in which registration message includes a non-unique identifier and the response from the server includes a unique identifier to be used by the asset in subsequent message* [see Mache, section 0280]. The same motivation to combine that was use in claim 1 applies equally as well to claim 9. By this rationale **claim 9** is rejected.
18. Regarding **claim 10**, the limitations of this claim is substantially the same as that of claim 1 and thus is rejected for the same rationale in rejecting claim 1 above. Furthermore with regards

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to a storing a schedule and periodically activating the message generator according to the stored schedule (Sekizawa teaches transmitting status information through the email every first time period and causing the local information transmission sections to transmit status mail every second time period longer than the first time period), [see Sekizawa, Col. 21, lines 62-67 and Col. 25, lines 47-54]. By this rationale **claim 10** is rejected.

19. Regarding **claims 11-16**, Sekizawa-Mache discloses *comprising a receiver for receiving an acknowledgement of the registration message and storing a token indicating that the machine is registered* [well known feature]. By this rationale **claim 11** is rejected.

20. Regarding **claims 17-31**, Sekizawa-Mache discloses features that are substantially the same as that of claims 1-16 and thus are rejected for the same rationale in rejecting claims 1-16 above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

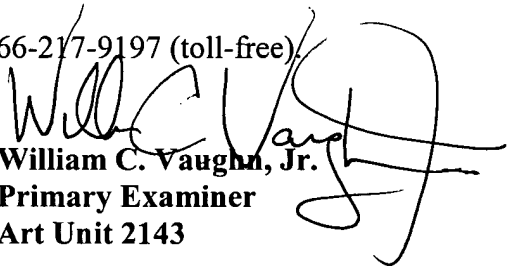
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143

WCV